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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,249	10/31/2003	Masaaki Asonuma	SHO-0023	9039
23353 7590 08/12/2008 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036				
EXAMINER				
HSU, RYAN				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
08/12/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/697,249

**Applicant(s)**

ASONUMA, MASAOKI

**Examiner**

RYAN HSU

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

In response to the after final remarks filed on 7/31/08, no claims have been amended. Claims 1-7 are pending in the current application. In light of the applicant's remarks concerning the amendments made after non-final to the claims with respect to the light transmitting symbol variably moving about the display are found to be persuasive and therefore the previous final rejection has been retracted and an amended one is made below.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miur et al. (US 2005/0192090 A1) and further in view of Uchiyama et al. (US 6,638,165 A)**

Regarding claims 1 and 6, Miur et al. discloses a gaming machine comprising: a game result display means for displaying a game result thereon, the game result including a plurality of game result symbols (*see [0006-0012]*). Additionally, Muir discloses a beneficial state generating means for generating a beneficial state for a player when a predetermined game result is displayed on the game result display means wherein the game result display means includes first display means and second display means arranged in front of a display area of the first display means when seen from the front side of the gaming machine (*see Fig. 8-9 and the related description thereof, [0006-0012]*). Furthermore, Miur discloses the second display means to

conduct a demonstration display in which a background thereof is displayed in a dark color so that the game result on the first display means is difficult to be seen and light transmitting symbols are variably displayed in the background, after the game result is displayed on the first display means. Muir also incorporates at least one light transmitting symbol (*see [paragraph 0011, 0018, 0022-0029], [0051-0053]*). Additionally, Muir discloses a part of at least one game result symbol on the first display means to be seen only through the light transmittable portion of the at least one light transmitting symbol while the at least one light transmitting symbol when the light transmittable portion of the at least one light transmitting symbol variably moving about the second display means overlies the at least one game result symbol (*see Fig. 8 and the related description thereof, [0017-0022, 0052, 0061-0066]*). However, Muir is silent with respect to having a light transmitting symbol that variably moves about the second display means.

In an analogous gaming patent, Uchiyama teaches a gaming machine that comprises two displays that are placed one in front of the other. Uchiyama teaches that one display is a mechanical or physical reel system while the other is video display device (*see Fig. 8(a-c) and the related description thereof*). Uchiyama teaches that the video display device is capable of displaying light transmitting symbols that can variably move about the screen (*see col. 12: ln 21-col. 13: ln 40*). One would be motivated to incorporate the features of Uchiyama with that of Muir in order to create a more stimulating visual experience for the user. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Muir with that of Uchiyama as it would not change the physical capabilities of Muir invention but would add an element that is known in the arts as creating a more visually stimulating experience.

Regarding claim 2, Miur discloses wherein the light transmitting symbols have specific shapes (*see paragraph [0011, 0018, 0052], 0061-0066], Fig. 6-7 and the related description thereof*).

Regarding claim 3, Miur teaches a gaming machine that further comprises rear illumination means for illuminating the first display means from a rear side thereof (*see paragraph [0066-0068], Fig. 8 and the related description thereof*).

Regarding claim 4, Miur teaches a gaming machine that further comprises light transmitting mode memory means for storing a plurality of display modes of images including the background and the light transmitting symbols and light transmitting mode select means for selecting one or a plurality of display modes among the display modes stored in the light transmitting mode memory means wherein the second display means displays the images based on a selected result by the light transmitting mode select means (*ie: animated and effects display of the secondary display (see paragraph [0012-0015, 0060-0065])*).

Regarding claim 5, Miur teaches a gaming machine wherein the first display means includes a plurality of symbol display parts capable of variably displaying one or a plurality of symbols and conducting stop display thereof and wherein the light transmitting symbols correspond to areas which are driven so that the player sees and recognizes a part of the symbol display parts (*see paragraph [0008-0009, 0059-0065]*).

#### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

Applicant's amendments filed on 3/13/08 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HSU whose telephone number is (571)272-7148. The examiner can normally be reached on 9:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/  
Supervisory Patent Examiner, Art Unit 3714

RH  
August 6, 2008